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## PLANNING PERFORMANCE FRAMEWORK ANNUAL REPORT 2016/17

Report by Head of Communities and Economy

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### 1 PURPOSE OF REPORT

- 1.1 This report provides an update on the progress of work undertaken on the Planning Performance Framework (PPF) for Midlothian. Specifically, it provides feedback from Scottish Government on the Council's submitted PPF for 2016/17.

### 2 BACKGROUND

- 2.1 An initial report to Committee in November 2012 explained that from October 2012 the Scottish Government's Minister for Local Government and Planning (now Local Government and Housing) had instigated a new Planning Performance Framework system under which each local planning authority in Scotland would be required to submit annually a report to Scottish Government on its performance across a range of quantitative and qualitative measures, including the long-standing indicators of age of local plan(s) and speed of handling planning applications. Accordingly, this Council has prepared and submitted an annual PPF report every year since 2011/12. The feedback from Scottish Government has been reported to the Committee.
- 2.2 As reported to Committee in November 2012 it remains the case that Scottish Government officials have made clear that the primary purpose of the PPF is to provide Ministers, Councils and the public with a much better understanding of how a particular planning authority is performing. Whilst it is inevitable that comparisons across planning authorities will be made, Scottish Government is advising that it is not a 'name and shame' exercise: where particular authorities may be underperforming the Scottish Government officials through normal liaison with officers in the relevant authorities will seek to assist and support improvement.
- 2.3 The Council's PPF for 2016/17 was submitted to Scottish Government in July 2017. Given its size a copy of the document has been placed in the Members' Library. It provides a comprehensive review of progress during the year and highlights steady improvement in a number of areas, examples of good quality development taking place on the

ground; as well as continued good progress in the preparation of the Midlothian Local Development Plan.

### **3 FEEDBACK ON THE 2016/17 SUBMISSION**

- 3.1 Formal written feedback was received 21 December 2017 by way of a letter from the Minister for Local Government and Housing, and enclosing a specific report on a total of fifteen 'performance markers'. A copy of the feedback is attached to this report.
- 3.2 In the feedback report on the fifteen performance markers, seven were rated as 'green' giving no cause for concern, four were rated as 'amber' where areas for improvement are identified, and the following two areas were rated as 'red' where some specific attention is required:-
- i) local development plan – less than 5 years since adoption; and
  - ii) development plan scheme – project plan for next local plan.
- 3.4 The two 'reds' relate to the progress of the local development plan and since submitting the 2016/17 PPF in July 2017 the Council has adopted the Midlothian Local Development Plan 2017 (at its meeting of the Council 7 November 2017). A project plan for the Council's next plan is being prepared.
- 3.5 Two performance matters relating to engagement on the Main Issues Report (MIR) were scored as not applicable because of the stage of Midlothian's Proposed Plan. This was also the position in 2014/15 and again in 2015/16. These measures had previously been scored as green in 2013/14.
- 3.6 The PPF feedback also sets out the timescales for the determination of planning applications. The average time to determine local (non-householder) developments for 2016/17 was 11 weeks, better than the Scottish average of 11.1 weeks. The average time to determine householder developments for 2016/17 was 6.8 weeks, better than the Scottish average of 7.3 weeks. The average time to determine major developments for 2016/17 is stated as being 84.7 weeks, however the Midlothian figure should be 57 weeks (*this has been confirmed by the Scottish Government*), and is greater than the Scottish average of 37.1 weeks.
- 3.7 The main reasons why the average time to determine major developments is greater than the Scottish average are as follows:
- the time taken to conclude a legal agreement to secure developer contributions;
  - the applicant amending the scheme during the processing of the application;
  - awaiting additional information from applicants and/or consultees;
  - on the request from the applicant; and
  - the volume of major applications (including matters specified in conditions applications).

## **4 RECOMMENDATION**

- 4.1 It is recommended that the Committee notes the feedback from Scottish Government on the Council's submitted Planning Performance Framework (PPF) for 2016/17.

**Ian Johnson**  
**Head of Communities and Economy**

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**Background Paper:** Council's PPF (2016/17) submission

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Mr Kenneth Lawrie  
Chief Executive  
Midlothian Council

21 December 2017

Dear Mr Lawrie

## **PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2016/17**

Please find attached feedback on your planning performance framework report for the period April 2016 to March 2017.

You will be aware that we recently introduced the Planning Bill to the Scottish Parliament. The Bill aims to support effective performance across a range of planning functions. It includes specific provisions to strengthen and improve performance monitoring; to appoint a national performance co-ordinator to provide advice and recommendations; and powers to conduct assessments and if necessary require improvements to be made. This structured approach is essential to improving the reputation of the system across the country. It aims to provide better support to authorities, whilst recognising that other factors and stakeholders, impact on your performance.

I appreciate that resourcing is a critical issue for you, and the Bill includes provisions for discretionary charging to allow greater local flexibility. Following the Bill, we will consult on revising the fee regime to better reflect the developments which are being brought forward.

We will continue to liaise with COSLA, SOLACE and Heads of Planning Scotland as the Bill progresses through the Parliamentary process. I would like to take this opportunity to encourage you all to actively engage - this is a fantastic opportunity to make our system work better to enable planners to deliver the high-quality development our communities need, and it is important that voices from all viewpoints are heard. You can monitor the progress of the Bill on the Parliament website at: [www.parliament.scot/parliamentarybusiness/Bills/106768.aspx](http://www.parliament.scot/parliamentarybusiness/Bills/106768.aspx)

Kind Regards



**KEVIN STEWART**

CC: Ian Johnson, Head of Planning and Development

## PERFORMANCE MARKERS REPORT 2016/17

Name of planning authority: **Midlothian**

The High Level Group on Performance agreed a set of performance markers. We have assessed your report against those markers to give an indication of priority areas for improvement action. The high level group will monitor and evaluate how the key markers have been reported and the value which they have added.

The Red, Amber, Green ratings are based on the evidence provided within the PPF reports. Where no information or insufficient evidence has been provided, a 'red' marking has been allocated.

No.	Performance Marker	RAG rating	Comments
1	<b>Decision-making:</b> continuous reduction of average timescales for all development categories [Q1 - Q4]	Amber	<p><b>Major Applications</b> Your timescales of 84.7 weeks are much slower than the previous year and are significantly slower than the Scottish average of 37.1 weeks. <b>RAG = Red</b></p> <p><b>Local Non-Householder Applications</b> Your timescales of 11.0 weeks are slightly slower than the previous year and are faster than the Scottish average of 11.1 weeks. <b>RAG = Amber</b></p> <p><b>Householder Applications</b> Your timescales of 6.8 weeks have improved since the previous year and are faster than the Scottish average of 7.3 weeks. <b>RAG = Green</b></p> <p><b>Overall RAG = Amber</b></p>
2	<b>Processing agreements:</b> <ul style="list-style-type: none"> <li>offer to all prospective applicants for major development planning applications; and</li> <li>availability publicised on website</li> </ul>	Green	<p>You invited all applicants for major developments to sign up to a processing agreement, however all of them declined the offer. <b>RAG = Green</b></p> <p>You have published a processing agreement template on your website. <b>RAG = Green</b></p> <p><b>Overall RAG = Green</b></p>
3	<b>Early collaboration</b> with applicants and consultees <ul style="list-style-type: none"> <li>availability and promotion of pre-application discussions for all prospective applications; and</li> <li>clear and proportionate requests for supporting information</li> </ul>	Green	<p>You encourage pre-application discussion to prospective applicants and use this time to try and resolve design issues prior to submission of an application. You provide a duty officer service and individual officers are available to meet applicants and developers to discuss applications. <b>RAG = Green</b></p> <p>Guidance is produced in consultation with statutory consultees to ensure that advice to applicants is clear and proportionate. <b>RAG = Green</b></p> <p><b>Overall RAG = Green</b></p>

4	<b>Legal agreements:</b> conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)	Amber	The average timescale for processing local applications with legal agreements is down to 30.8 weeks, an improvement on last year, but slower than the Scottish average. The average timescales for major applications with legal agreements has increased to 84.7, which is above the national average. A new process has been implemented whereby applicants are being advised that they risk application being referred to elected members and potentially refused if an agreement is not concluded within 6 months from the date of resolution to grant planning permission.
5	<b>Enforcement charter</b> updated / re-published within last 2 years	Green	Your enforcement charter is 13 months old at the time of reporting.
6	<b>Continuous improvement:</b> <ul style="list-style-type: none"> <li>progress/improvement in relation to PPF National Headline Indicators; and</li> <li>progress ambitious and relevant service improvement commitments identified through PPF report</li> </ul>	Amber	Both major and non-householder decision times are slower. Householder timescales have improved and are faster than the Scottish average. Your LDP is out of date and will not be replaced within the 5 year timescale. <b>RAG = Red</b>  You have completed most of your commitments. You have committed to taking forward 5 improvements in 2017-18 with 2 of those being carried forward from 2016-17. <b>RAG = Green</b>  <b>Overall RAG = Amber</b>
7	<b>Local development plan</b> less than 5 years since adoption	Red	Your LDP is over 8 years old at the time of reporting.
8	<b>Development plan scheme</b> – next LDP: <ul style="list-style-type: none"> <li>on course for adoption within 5 years of current plan(s) adoption; and</li> <li>project planned and expected to be delivered to planned timescale</li> </ul>	Red	It is noted that your LDP is currently under examination however, it will not be replaced within the required timescale. <b>RAG = Red</b>  Other than mentioning your development plan scheme it is not clear from your report how the replacement of your LDP is project managed to ensure it remains on track to be replaced within the timescales you set out. <b>RAG = Red</b>  <b>Overall RAG = Red</b>
9	<b>Elected members engaged early</b> (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	N/A	
10	<b>Cross sector stakeholders* engaged early</b> (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	N/A	
11	<b>Regular and proportionate policy advice</b> produced on information required to support applications; and	Green	You have produced validation checklists for a range of application types to ensure the correct information is submitted so that applications can be progressed on receipt. You have also produced a range of supplementary guidance and other guidance which will be put in place alongside your LDP.
12	<b>Corporate working across services</b> to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	Green	You provide a duty officer service, ensure a single point of contact throughout the life of an application and have provided good examples of working with other councils and other council services to deliver developments.

13	<b>Sharing good practice, skills and knowledge</b> between authorities	Green	You share an archaeologist with East Lothian Council and are procuring a developer contribution database with West Lothian Council. You participate in benchmarking and are active members in the SESplan Board and Operation Group.
14	<b>Stalled sites / legacy cases:</b> conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old	Green	You have cleared 10 legacy cases during the reporting year leaving 28 cases still to be decided. You have processes in place to keep track of cases to ensure progress continues to be made.
15	<b>Developer contributions:</b> clear and proportionate expectations <ul style="list-style-type: none"> <li>• set out in development plan (and/or emerging plan); and</li> <li>• in pre-application discussions</li> </ul>	Amber	<p>The new LDP is in an advanced stage. You indicate that you will produce new supplementary guidance on developer contributions in the coming year. You do not mention whether the current LDP provides a framework for developer contributions.</p> <p><b>RAG = Green</b></p> <p>There is no indication of whether developer contributions are discussed at the pre-app stage.</p> <p><b>RAG = Amber</b></p> <p><b>Overall RAG = Amber</b></p>

**MIDLOTHIAN COUNCIL**  
**Performance against Key Markers**

Marker		2012-13	2013-14	2014-15	2015-16	2016-17
1	Decision making timescales					
2	Processing agreements					
3	Early collaboration					
4	Legal agreements					
5	Enforcement charter					
6	Continuous improvement					
7	Local development plan					
8	Development plan scheme					
9	Elected members engaged early (pre-MIR)			N/A	N/A	N/A
10	Stakeholders engaged early (pre-MIR)			N/A	N/A	N/A
11	Regular and proportionate advice to support applications					
12	Corporate working across services					
13	Sharing good practice, skills and knowledge					
14	Stalled sites/legacy cases					
15	Developer contributions					

**Overall Markings (total numbers for red, amber and green)**

<b>2012-13</b>	3	8	4
<b>2013-14</b>	2	8	5
<b>2014-15</b>	3	5	5
<b>2015-16</b>	5	4	4
<b>2016-17</b>	2	4	7

**Decision Making Timescales (weeks)**

	2012-13	2013-14	2014-15	2015-16	2016-17	2016-17 Scottish Average
Major Development	42.8	60.5	77.4	47.8	84.7	37.1
Local (Non-Householder) Development	21.5	19.7	11.0	10.7	11	11.1
Householder Development	7.5	6.9	6.7	6.9	6.8	7.3